

**Independent Review into
Thames Valley Police
Employment Tribunal
(CC -v- Turner-Robson and others)
and Diversity, Equality & Inclusion
Policies, Practice and Process**

Executive Summary

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On 31st October 2024 Police and Crime Commissioner Matthew Barber commissioned Independent Reviewer Kerrin Wilson, QPM to conduct a review into Thames Valley Police's approach to Equalities following the loss of a Race Discrimination Employment Tribunal.

A summary of the Terms of Reference is outlined below:

- 1. The Reviewer will carry out a review of Thames Valley Police's handling of the appointment of Inspector S to the Aylesbury Priority Crime Team.*
- 2. The Reviewer may carry out a review of any legal cases or out-of-court settlements, related to discrimination, paid between 2022-2024 to explore any themes leading to identification of decisions, policies or procedures impacting on Diversity, Equality and Inclusion (DEI)*
- 3. The Reviewer may carry out a review of any pending legal claims against TVP to identify any with DEI components, which may result in future employment tribunals.*
- 4. The policy and practice of TVP in implementing DEI policies across the Force.*
- 5. How DEI policies, and specifically the Police Race Action Plan, promoted by the Home Office, College of Policing, NPCC and HMICFRS have impacted policies within TVP.*

Statement of Independence

As the Reviewer, it is important to state that while I am a former Chief Officer with over 30 years policing experience. I have no personal affiliations to Thames Valley Police (TVP), its officers and staff, nor with the Office of the Police and Crime Commissioner for Thames Valley. I hold a wealth of experience and expertise in policing practices and Equalities legislation both within policing and wider.

Review Approach and Methodology

The Review was conducted over four phases.

The first phase concentrated on the Employment Tribunal (ET) itself with a mix of in-person and remote video conferencing interviews with key personnel involved in the ET plus the PCC and his office.

The second phase expanded upon a wider literature review across the force's policies and relevant material relating to Diversity, Equality and Inclusion (DEI) and Human Resources (HR) practices. This included but was not limited to minutes of meetings, positive action material, recruitment and selection processes, posting decisions, training programmes and HMICFRS reports. Plus, a review of employment tribunals, complaints and grievances relevant to discrimination or fair selection and posting processes between 2022-2024.

Phase three widened the engagement with internal stakeholders to the whole of the organisation. This took the form of individual interviews, either remotely or via video conferencing, plus group forums and written submissions. In addition, research and benchmarking exercises took place across a number of relevant bodies such as Equality and Human Rights Commission, College of Policing and a number of police forces.

Phase four was the report development and creation alongside factual accuracy and presentation to the PCC, Matthew Barber.

Overall Findings

The Chief Constable and Thames Valley Police have been ardent advocates for equality in all its forms for many years. This is in respect of both internal practices and external delivery. The Chief Constable's belief in having a force that represents the communities it polices is integral to building the trust and confidence of the public in the organisation. That belief is a fundamental part of his leadership which has led to the development of the Legitimacy portfolio. This is headed by an Assistant Chief Constable. This was established early in 2024 and seeks to develop trust and confidence in Thames Valley Police from both external and internal communities. The force has been nationally recognised in this field within policing and other industries, as was evident through their runner-up status in the national Equality and Diversity Awards 2024.

Nothing in this review has led to a concern regarding the actions and behaviours by individuals involved in the tribunal that warrant closer misconduct scrutiny. Difficult decisions made and adverse outcomes are part of policing. If they are made in line with the Code of Ethics and values of the organisation then mistakes made can be a basis for learning, improving and reflective practice. The review has found that mistakes have been made, which had they not been made, may have resulted in a different course of action or a stronger basis to proceed with elements of positive action initiatives.

Throughout the review I have found the force in general to be very open and transparent about their strengths and areas for development. There are a number of areas which the force has recognised that they need to improve upon that align to some of my recommendations. There are aspects relating to process change and some relating to behaviours that may require investment. Within a large organisation with difficult choices to make over budgets some of the recommendations may not be a priority for the force but I would urge conscious decisions to be made regarding the impact of not investing in certain areas that may have a cumulative impact upon the workforce.

Like any review, the findings are largely focused on the areas for improvement. While there are 51 recommendations identified this is not a reflection on how effective the force is overall. Thames Valley Police is an organisation that has wonderful people with passion and ways of

working that deliver excellent policing for its communities. I want to thank every one of the individuals who took the time to engage in this review for their candour, time and contribution. It has been invaluable.

Having said all that, the impact of the Employment Tribunal on the force has been significant. It has questioned the leadership from the Chief Constable and down through senior leaders in various roles. It has raised questions of trust, transparency and consistency in individuals and the force's approach to the equality agenda, plus, a lack of faith in the internal communications surrounding the matter. For minoritised staff from all protected characteristics, but predominantly from an ethnic minority background, this has led to a deeper feeling of being marginalised. It has raised to the surface the concerns from parts of the organisation that feel undervalued as a majority group. This has materialised in a divided workforce. Individual recommendations aside, the force needs as a priority to heal these divides and build a united and fully inclusive organisation.

The creation and activation of a Positive Action Progression Programme (PAPP), designed to enable and encourage officers from an ethnic minority background to develop their skills and abilities to an extent that they were ready for future promotion opportunities was the crux of this case. The programme itself was not designed, consulted upon or transparent in how it was managed. This therefore left parts of the organisation feeling excluded and that in the process of directly posting an individual into a specialist role, positive discrimination had taken place as opposed to positive action.

The posting of Inspector S was not a promotion. They had passed a promotion process some months beforehand but had not taken up their new role at the time of the decision being made to assign them to a Detective Inspector role. They were fully qualified to undertake the role of Detective Inspector.

While legal advice had been sought, this was given from an in-house generalist rather than a specialist in Equality or Employment Law. The verbal legal advice was not updated onto the policy until post the movement of officers, seemingly in response to the initial challenge to the decision made. No equality impact assessment or ordinary governance systems were applied to this policy.

When the employment claim was submitted and throughout the force's defence of the claim, there was a degree of optimism bias on behalf of the force and so the evidence presented was not as fulsome as it could otherwise have been. When the force lost the case, they were slow to understand and acknowledge the depth of concern this had within the organisation. Communications, whilst factual, missed the human touch and added to the hurt felt across the force. While there were genuine grounds for an appeal there was no clear indication that the outcome would have been any different. With that in mind, plus a number of other considerations such as costs and the impact on individuals an appeal was not launched.

There were missed opportunities for the force to constructively engage with staff who felt aggrieved at the time and throughout the timeline of the tribunal to participate in dispute resolution. Due to a lack of joined-up approaches across departments welfare matters for staff involved were less than adequate.

The wider review looked at the approach to Equality matters across the development and implementation of policies, the handling of grievances, employment matters and training practices. Some of the key findings relate to the lack of inclusive practices and the treatment of diversity strands as separate entities and how strategies were adopted in force. While lots of good work is underway, taking time to reset the strategic direction would re-focus some of the work currently being undertaken. As an example, the force's approach to managing disability matters, which has an enormous impact upon the workforce, does not give a fully rounded understanding of the issues, nor is robust governance applied. Rather tactical actions for bespoke elements are carried out without holistic insights. Being wholly inclusive rather than exclusive would bring together the organisation. Currently there are parts of the majority demographic who feel de-valued and excluded. Minority groups are reluctant to engage in single issue initiatives.

The lack of training for middle managers in general is a concern with no definitive requirement or management of their professional development outside of operational accreditations. Specific training regarding equalities legislation, equality duty, dispute resolution and employment tribunals is an area that the College of Policing recognise has been absent for middle and senior managers across the country and are aiming to fill that gap. Equalities training is universally difficult to evaluate and the current programme of Equity training that is being rolled out across the force does not have a clear plan on how that training will be assessed as achieving its aims. While Critical Race Theory is not taught on the course, there are aspects of the delivery which may create divisions rather than bring people together should they not be delivered well.

There are a number of areas which would benefit from central oversight such as the grievance system and internal recruitment practices for specialist areas. The current processes leave the force without a clear understanding of practices and patterns of behaviour that could lead to unfair outcomes.

Research across other forces, College of Policing and with the Equalities and Human Rights Commission did not advocate positive action such as that taken by Thames Valley Police. There is very little case law regarding positive action and so this was always going to be a controversial idea to land. It was therefore essential that a robust approach was taken in how this proposal should be developed in order to mitigate risk and minimise disadvantage to the wider population.

This review is a point in time for the force to look at how it operates in the complex world of creating a fairer police force for all, giving opportunity to those who would otherwise be

disadvantaged without creating additional barriers of unfairness to the majority population of Thames Valley Police.

Full List of Recommendations

Theme: Positive Action Progression Programme (PAPP) and Posting Decisions

1. If the Force is aiming to introduce areas of policy with the potential to be contentious, then seeking expert guidance in the relevant field would enable hurdles to be effectively navigated. This could be relevant expert bodies or legal advice from those who specialise in the field.
2. When developing new schemes and programmes using the networks which already exist, including the College of Policing would go some way to reduce effort whilst also including tried and tested products.
3. Buy-in from the whole organisation can be achieved through ensuring proper governance and communication lines exist in rolling out programmes to enable proper oversight, scrutiny, and transparency.
4. Documentation of the proposals, mitigation and risks alongside the scheme is essential to demonstrate thorough thinking and transparent processes.
5. Equality Impact Assessments (EIA) are essential in programmes such as this where it is known that certain groups may be disadvantaged in order to support other groups. It is therefore essential that mitigation is captured in any EIA.
6. Development of talent management programmes should seek to be inclusive to all and be merit-based while enabling those from all protected characteristics to overcome barriers to compete.

Theme: Employment Tribunal

7. CCMT to consider the impact of statements to ensure they align to how they would expect all staff to comment upon official / judicial outcomes.
8. Review the arrangements with staff association meetings at a local and central level, such as the JNCC, to ensure that early discussions are brought to the table to be considered before they are escalated into tribunal status.
9. The force should work with staff associations and look to its approach at internal dispute resolutions with an aim to develop a comprehensive programme to minimise the risks of tribunals taking place through early or alternative resolutions.
10. The Legal team should work closer with the People Directorate to better enable the force to look after the people involved in tribunal disputes. Third parties in particular should be protected from the fall-out of any dispute. Completion of individual risk assessment for interested parties may lead to better care.
11. Work with College of Policing and others to develop training packages to help navigate the journey in an ET for all parties. Using case studies to illustrate the emotional impact upon individuals may help people to consider early resolution.

12. Work with the College of Policing and others to develop training packages focused on the Equality Act, and in particular the Equality Duty and Positive Action.
13. While staff associations support the right of individuals to challenge the organisation, they also need to be mindful of the wider role they play in supporting all members, and put in place appropriate measures to cover the needs of all those they represent.

Theme: Decision Not to Appeal

14. The Legal team should develop a transparent risk assessment process that can accommodate the fluidity of building a case to include impact upon organisation, individuals and financial elements.
15. The PCC should have a clearer financial oversight on the total costs of claims both, from a legal / consultancy cost element, plus the overall settlement figures paid out year on year as part of a healthy financial scrutiny regime to the force. This should include internally managed agreements in addition to settlement following an employment tribunal.

Theme: Staff Associations and Networks

16. Clarity between Staff Association and Staff Networks should be developed not only for the particular groups but also for the wider force understanding, and address the intersectionality of the various strands.
17. The force should consider how it brings parity to disparate staff networks to ensure that there is consistency in approaches, even if there are bespoke initiatives to meet the particular needs of each group.
18. Consider the use the networks to help influence and hear the voices of minority groups within the force's governance framework as and when appropriate.
19. Review the membership of the Trust and Confidence Board at a strategic level and any tactical level that feeds into that board.

Theme: Key Stakeholder and Staff Engagement

20. The force should review the internal engagement strategy to ensure that respectful ground rules are clear to all.
21. Talking heads to review their communications style to adapt and fit the message appropriately. Consider when it is necessary to deliver messages with greater authenticity, being emotionally aware of the impact and how these communications will be received.

Theme: Policy and Processes

22. Review who and how posting decisions which fall into the 'operational need' are made, recorded to ensure transparency and accountability.

23. Review how internal selection and recruitment processes are administered. Ensuring that interview panel members have the skills and training to undertake the role and that a transparent process with a degree of independent input is included as standard.
24. Central analysis of applications and successes / failures for specialist departments should be a standard to identify if there are biased processes that need to be addressed.
25. Review the force handling of the grievance procedures to better understand what the scale of the issues are and ensure that the processes are robust and in line with ACAS guidance.
26. Provide appropriate training for line managers which covers managing legal / employment disputes. This relates to skills and responsibilities for reducing conflict, handling, investigating and supporting personnel subject to grievance, complaints and tribunals.
27. Revisit the aims of the Trust and Confidence Board, developing a strategic needs assessment and utilising internal confidence indicators to inform the workstreams.
28. Develop a stronger more cohesive approach to the work on Disability related matters.
29. Consider how scrutiny and accountability of all DEI programmes and related matters are better captured, potentially bringing them under one directorate, while commissioning elements of delivery to other departments.

Theme: Consequence Management

30. Examine how Gold Groups are managed and recorded to ensure appropriate recording of such takes place.
31. Examine how the force understands and deals with critical incidents, particularly internal critical incidents. Ensure all police staff in key roles such as Corporate Comms have undergone critical incident training.

Theme: Communications

32. Communications coming from the heart, at the right time and by the right voices rather than being overly engineered are often accepted as more authentic and believable by the workforce. Consideration of who should front difficult communications to achieve the aims of building trust within the workforce should be factored into any communication strategy and not just the specific role of an individual.
33. Consider how an open forum is set up for future debates, to ensure that all participants feel heard and respected and division is not amplified.
34. Corporate Communications team to develop a flexible and agile approach to the needs of the organisation rather than using Force policy or practices as a barrier to meeting dynamic needs.
35. Use the expertise and lived experiences of staff networks to bring controversial statements to light in a supportive and non-accusatory way.

Theme: Training

36. Consider evaluation of the Courageous Conversations programme and what difference or learning points emerge.
37. Embedding the Courage Conversations into CPD / PDR to be considered in order to evidence ongoing learning, especially for managers.
38. Use the skills within the behavioural science unit to develop an evaluation study for the healthy cultures and race equity training programmes.
39. Consider how the race equity training fits in with an overall 'inclusive' strategy.
40. Develop realistic examples to illustrate the difficult concepts of privilege across all protected characteristic strands and review the use of language which may create barriers such as 'white privilege'.
41. Evaluate how confident line managers are to open up discussions around discrimination and provide easy to use, accessible tools to aid their approach.
42. Work with the College of Policing to develop Equality legislation training, particularly around S158 and S159 of the Equality Act 2010. In the meantime, consider how this can be incorporated into the Race Equity training.
43. Align the Training Prioritisation Board to strategic requirements of the force, ensuring that there is CCMT sign off to deliver the essential and desirable training products and that ad hoc requests are filtered through proper governance structures.
44. Evaluate the leadership offer and take-up for Chief Inspectors and above to ensure current and future leaders have the necessary skills to deliver their roles effectively.

Theme: Financial Impacts from Employment Disputes

45. Oversight of the total costs of employment disputes, including local remuneration settlement agreements and legal costs should be captured more fully. This will allow for greater analytical insights for the force to use. Plus, oversight and scrutiny by the PCC to seek assurance to the effective management of the public purse.
46. The force should explore the options on 'Employee Dispute Cover' in its liability insurance.
47. Review the early intervention practices that can be developed to mitigate employment disputes, whether that be equipping line managers with the tools and organisational support to resolve matters informally, case conferences with cross department stakeholders or having confidence that formal early resolution practices in the legal dept are robustly adhered to.

Theme: National Guidance/Benchmarking

48. Maximise the good practice that is available to forces through the College of Policing leadership centre and practice bank to utilise tried and tested models.
49. Consider bespoke peer reviews from forces who have demonstrated excellent holistic inclusion programmes.

Additional Considerations

- 50. Review the People Directorate model to ensure that services understand the culture and context of the various departments they support to maximise the proactivity and move away from tactical, remote, post-issue support.
- 51. Review how the Behavioural Science Unit's governance, oversight and direction may better fit with the Legitimacy portfolio.

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